

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

865



FROM: Executive Office

SUBMITTAL DATE:
February 7, 2012

SUBJECT: 2012 State Legislative Platform

RECOMMENDED MOTION: That the Board of Supervisors approve the 2012 State Legislative Platform and direct the Executive Office and the county's Sacramento based representatives to advance the legislative proposals contained herein.

BACKGROUND: Each year the Board of Supervisors adopts a State Legislative Platform to guide the legislative advocacy efforts at the state level. The Executive Office working in conjunction with Board members, department heads, state and regional advocates developed the State Platform to address a variety of crucial issues facing the county. Previously approved Board positions from earlier state platforms are still in effect. The Platform includes key state legislative priorities, new policy items and selected policy items of continuing importance.

Alex Gann

Alex Gann
Principal Management Analyst

AG:ag
(Continued On Attached Pages)

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:
	Annual Net County Cost:	\$ 0	For Fiscal Year: 2011/12
SOURCE OF FUNDS:			Positions To Be Deleted Per A-30 <input type="checkbox"/>
			Requires 4/5 Vote <input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: *Jay E Orr*
Jay E. Orr

County Executive Office Signature

Dept't Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref. 3.1 of 2/1511

District: All

Agenda Number:

3.67

2012 State Legislative Platform

Given the state's continuing budget troubles, the county must be vigilant in its advocacy of restoring lost funding and getting constitutional protections over local revenue sources. Maintaining local control will also remain important as the county continues to be the center of renewable energy development within California.

The county is still reeling from the economic downturn and it will need to keep a constant and vigilant eye on the state as it continues to discuss the realignment of other programs that it wishes to shift to local government. County's should be open to such discussions, but should also expect and demand that these programs be fully funded.

The state should also move toward a more sound fiscal policy which would help with restoring a better balance in keeping programs sufficiently funded. There have been positive discussions, but this concept needs to move further along towards reality.

Previously approved Board positions from earlier state platforms are still in effect. The 2012 platform includes: Key State Legislative Priorities, new existing policy items, selected policy items of continuing importance, and finally the Urban County Caucus state positions are presented for Board approval. Due to the dynamic nature of the legislative process, additional state legislative issues of concern to the county will be brought forward to the Board for appropriate action throughout the year as the need arises.

Based on the principles of fiscal stability, preservation of local control, efficient service delivery and operations and the promotion of inter-agency cooperation, the Riverside County Board of Supervisors provide specific direction and overall policy guidance by adopting an annual platform for each legislative session in accordance with Board Policy A-27.

RIVERSIDE COUNTY 2012

STATE LEGISLATIVE PLATFORM



BOARD OF SUPERVISORS

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Executive Summary

Executive Summary

The Executive Office prepared this document with assistance from the Board members, department heads, state advocates and regional stakeholders. Previously approved Board positions from earlier state platforms are still in effect. The 2012 platform includes: Key State Legislative Priorities, new existing policy items, selected policy items of continuing importance, and finally the Urban County Caucus state positions are presented for Board approval. Due to the dynamic nature of the legislative process, additional state legislative issues of concern to the county will be brought forward to the Board for appropriate action throughout the year as the need arises.

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State Legislative Priorities

State Legislative Priorities

Governance and Finance:

In order to fulfill the dual roles of agent of the state and local service provider, counties must have adequate authority, flexibility, and resources. Most importantly, counties must have stable sources of revenue that enable them both to implement state laws and respond to essential local priorities.

- Support the AB 109 realignment of programs from the state to counties, provided that such realignment continues with sufficient funding and the flexibility needed to effectively and efficiently administer realigned programs.
- Support measures that provide adequate funding for programs the county operates on behalf of the state and oppose additional program reductions unaccompanied by a commensurate decrease in responsibility and any attempts to shift costs to counties.
- Support measures that provide constitutional protection of all local revenues.
- Support measures that provide greater decision making authority over the use of state funds, including direct grants or mandatory pass-through allocations.
- Oppose measures that erode local control and impose additional mandates without a funding mechanism in place.
- Support legislation or budget action that reduce, streamline or eliminate duplicative or contradictory regulatory and administrative oversight requirements of state programs.
- Support legislation or budget actions that preserve, protect or expand redevelopment and enterprise zones.
- Oppose reductions in state programs that require increased local funding to maintain the same level of service.



New State Legislative Policy Items

Issue: Post Redevelopment Agency Closure, Successor Agency, and Housing Successor Agency.

Action: Prepare, advocate and seek state legislation or legislative remedies that will assist the county and the state former redevelopment agencies and their successor agencies in ensuring that the legislature and the governor specifically protect bonded indebtedness, work towards clarification of administrative funds for successor agencies, protect existing funds, discuss and develop a statewide replacement for redevelopment agencies and programs, clearly specify the use of housing funds, and seek legislative relief and remedies for Housing Authorities where former redevelopment agencies have designated their housing functions to. Authorizes EDA leadership to pursue legislative remedies, with wide latitude to negotiate on behalf of the Board of Supervisors, in consultation and cooperation with the County Executive Office.

Revision to Penal Code § 1305.3

Issue: Some counties are not being reimbursed costs for attorney time expended in successfully opposing motions for exoneration of a forfeited bond (and in the collection efforts thereof).

Action: Revise California Penal Code §1305.3 to read: "The district attorney, county counsel...shall recover, out of the forfeited bail money, the costs, *which includes attorney fees*, incurred in successfully opposing a motion to vacate forfeiture and in collecting on the summary judgment prior to the division of the forfeited bail money between cities and counties in accordance with Section 1463." (Proposed change in italics.) Include a last sentence which states, "Prior to division, the prosecuting agency may submit an invoice, with the case and bond number, to the entity responsible for determining or controlling the distribution of funds."

Background: Some counties around the state are not receiving money for the amount of work done to prosecute bonds. Each county and/or court handles reimbursement of the costs differently, some denying payment altogether because "costs are not fees." However, it is clear in the legislative history of Section 1305.3 that reimbursement was intended to compensate the office that took responsibility for handling bond disputes and other collection efforts.

Furthermore, "costs" typically associated with litigation do not apply to bail bond enforcement. An average proceeding involves one to two motions, an opposition(s), and a hearing(s). Often the trial court's decision is appealed by the surety, in which case the prosecuting agency prepares a brief as the respondent. That requires even more time and another appearance. The only significant cost to an office is administrative and attorney time—however, "cost" in the traditional California legal definition would conceivably only include the paper, stamps, and toner.

When Napa County proposed a legislative change in 1996 to specify "County Counsel" as a "prosecuting agency," they reasoned, "...the costs involved in negotiating a settlement and/or litigating the dispute can be significant....It thus removes the inequity in current law whereby local governments are required to perform bail collection services without appropriate compensation."

By adding language to Section 1305.3 to further define costs to clearly include the "compensation" factor, it will eliminate the disparity and frustration of the local government agencies that provide service but still have an uphill battle to receive compensation out of the forfeited bond money because of some courts' narrow interpretation of this section's use of the word "costs."

Salton Sea Restoration 2012

Issue: The County of Riverside views the restoration of the Salton Sea as a significant priority to the Legislative Platform for 2012. Lack of consensus on a preferred alternative to restore the Salton Sea will cause additional delays, which will have a profound impact on the ecosystem of the Salton Sea include: adverse impacts to air quality, bird habitat, fisheries, agriculture, public health, and the economy.

Action: 1. Consensus on a preferred alternative is necessary to achieve the needed restoration of the sea and to protect the impacted ecosystem.

2. Assistance is needed to identify a sustainable funding mechanism to support restoration activities.

Background: The Salton Sea is a closed drainage basin that occupies the lowest elevations of the Salton Sink of Imperial and Riverside County in Southern California. The salt water lake covers approximately 376 square miles making it the largest in California. The Salton Basin has been alternately a fresh water lake and a dry desert basin, depending on random river flows and the balance between inflow and evaporative loss.

The lack of an outflow over the past 107 years has caused the Salton Sea's ecosystem to undergo accelerated change. Variations in agricultural runoff cause fluctuations in water level, the relatively high salinity of the inflow feeding the sea, along with evaporation has resulted in ever increasing salinity. By the 1960's, it was apparent that the salinity of the Salton Sea was rising, jeopardizing many species of fish. Fertilizer and nutrient runoff combined with the increasing salinity have resulted in large algal blooms and elevated bacteria levels which have impacted the oxygen content of the sea, resulting in significant fish kills over the last several decades. The Salton Sea has been termed a "crown jewel of avian biodiversity" with over 400 bird species documented at the Salton Sea. The Salton Sea supports 30% of the remaining population of the American White Pelican and is a major resting stop on the Pacific Flyway.

The California State Legislature, by legislation enacted in 2003 and 2004, directed the Secretary of the California Resources Agency to prepare a restoration plan for the Salton Sea ecosystem, and an accompanying Environmental Impact Report. As part of that effort, which is based on State legislation enacted in 2003 and 2004, the Secretary for Resources established an Advisory Committee to provide recommendations to assist in the preparation of the Ecosystem Restoration Plan. On January 24, 2008, the California Legislative Analysis Office released a report entitled "Saving the Salton Sea." The preferred State alternative outlined within this draft plan calls for spending a total of almost \$9 billion over 25 years and proposes a smaller but more manageable Salton Sea. During that same time period the Salton Sea Authority made up of local water

agencies, tribal interests and the counties of Riverside and Imperial developed an alternate preferred plan to restore the sea. In September 2010, the Governor signed Senate Bill 51, authored by State Senator Denise Ducheny, creating the Salton Sea Restoration Council, a governing body of state and local officials and citizen representatives to oversee restoration efforts at the dying sea. This body has never met and has not taken any action on behalf of the sea.

2012 Federal Legislative session provides an excellent opportunity for county advocates to continue to peruse solutions to restore the sea. Assistant County Executive Officer/EDA shall use his/her discretion in supporting legislation, amendments to bills, opposing legislation, and working for bill passage in this session.

Renewable Energy Projects

Issue: Riverside County supports renewable energy projects. These projects, however, will result in the loss of economic development potential (including lost employment opportunities and lost property tax revenue), lost recreation potential, lost historical resources and the unreimbursed costs of additional transportation facilities, public safety facilities and related services. Without appropriate ways to reduce these losses, Riverside County will bear a disproportionately heavy burden for renewable energy production, because it is uniquely suited for the location of renewable energy projects.

Action: 1. Support maintaining local land use control over the various types of renewable energy projects and oppose efforts (regulatory or legislative) that would usurp local control and transfer land use authority to the state.

Action: 2. Support an amendment to Section 73 of the Revenue and Taxation Code clarifying that the property tax exclusion for newly constructed active solar energy systems applies only to active solar energy systems generating energy primarily for on-site consumption and does not apply to solar power plants generating energy primarily for off-site consumption.

Background: The property tax exclusion for newly constructed active solar energy systems is based on and authorized by Proposition 7 adopted by voters on November 4, 1980. As explained in the ballot analysis and arguments, the exclusion is limited to systems which enable a residential, commercial or industrial use to reduce its on-site consumption of electricity. The exclusion does not extend to solar power plants, which generate electricity primarily for off-site consumption. The above-referenced amendment would ensure that the intent of the voters is properly followed.

Public Health and Medical Emergency Preparedness and Response Funding

Issue: Funding local health jurisdiction planning, preparedness and response to acts of terrorism, disasters, or other public health emergencies.

Position: Maintain and increase federal and state funding to offset the local costs associated with planning for and responding to the medical/public health consequences of terrorism, natural disasters and/or other public health emergencies.

Support the removal of restrictions on the utilization of grant funds to support personnel, including permanent and temporary staff positions and contract personnel.

Support the continued use of grant funds for the infrastructure needed for personnel, including such charges as rent, communications equipment and computer support. Continue to allow these costs to be billed as direct line items.

Support the determination of an indirect rate for grant funds that more accurately reflects the overhead costs of local public health departments.

Background: The terrorist activity on and after September 11, 2001, Hurricane Katrina, the October 2007 fires in Southern California and the 2009 H1N1 Pandemic Influenza response are a few examples of events that have identified the impact of terrorism, natural disasters and public health emergencies on local, state and federal medical/health response capabilities.

Recent changes in federal funding have placed limitations on the amount of personnel that can be supported by emergency preparedness and response grants. Although the grants allow for the utilization of contract staff, these staff are often unfamiliar with local policies and procedures, do not necessarily have a vested interest in the community in which they are working, and are often only contracted for a short period of time. In addition, some federal grants include contract staff in personnel caps. Federal grants should not restrict the funding of personnel at the local level; such restrictions severely impair the ability of the local health jurisdiction to develop and support comprehensive activities to combat the evolving threats of terrorism, natural disasters and other public health emergencies.

Increases in state and federal funding are needed to augment local programs to prepare for and respond to all forms of terrorism, natural disasters or other public health emergencies. Legislation is needed which increases prevention and response capabilities and strengthens the partnerships between state, federal and local agencies to effectively identify, prevent and respond to the medical/health consequences of terrorism, disasters or other public health emergencies. Funding formulas should consider proximity to high profile, high impact targets as nearby jurisdictions to such targets will likely be severely impacted through the provision of mutual aid to the

impacted jurisdiction or by the influx of large numbers of people seeking shelter and/or treatment.

Possible Fiscal Effects: If the infrastructure to support personnel and staff activities are not allowed as direct charges, the Riverside County Department of Public Health will potentially be forced to absorb between \$200,000 and \$300,000 in expenses that were previously covered by federal and state grants. If this cost shifting occurs, many local health departments may be unable to accept public health and medical emergency preparedness and response grant funds. As a result, our public health and medical systems will not be adequately prepared to respond to a large scale emergency.

Issue: Access to Health Care.

Position: The County should support or sponsor action or legislation that will promote equity in funding so that Riverside County residents have the same access to health care as other residents in other counties.

Background: There is tremendous disparity between counties and regions in California in funding for Health and Mental Health Services. The disparity is historical since most programs are funded on a first come, first served basis. State funding is disconnected from population, so high growth counties suffer even more disparity. Riverside County receives close to the least dollars per capita in the state for health and mental health.

According to a published report in The Press Enterprise, dated August 23, 2009, in fiscal year 2006-07 Riverside County came in 57th out of the state's 58 counties in the amount it received per capita in what is called health and mental health realignment money, according to data from the California State Controller's Office. That year, the state distributed nearly \$2.8 billion for health care to the poor.

Riverside County got \$45.24 per capita, while the state median was \$75.75 per capita. San Francisco County ranked 1, receiving almost 200% per capita.

Issue: County/EMS Agency Authority for Ambulance Transportation Services.

Position: Preserve County/EMS Agency authority to control EMS system. Support laws and regulations that would enhance county authority, increase funding for such oversight and oppose laws which would decrease county authority.

Background: The 1980 Emergency Medical Services Act provided for counties to establish the local emergency medical services agency to plan, implement, and evaluate local emergency services systems. Cities that operated emergency services prior to June 1980 were grandfathered into law. For well over a decade cities have gone before the Legislature to overturn SB 125 and obtain authority to establish city managed ambulance service. In a lawsuit that went to the California Supreme Court, it was determined that cities and districts could continue services already provided, but could not expand the scope of services without county approval.

Although the 1997 Court decision in County of San Bernardino v. City of San Bernardino clarified the role of the counties in providing emergency medical services, the League of California Cities and others are still planning to sponsor new law(s), which would cede the counties authority, especially in respect to revising "governance" structures.

Counties maintain that ambulance service must be provided on a countywide basis to ensure that providing services even in remote areas of the county remains financially viable. Changing the system to jurisdiction by jurisdiction would mean that certain affluent areas would be cherry picked by cities leaving the less affluent areas to the county to provide coverage.

If cities were allowed to control ambulance services, those cities that have the fiscal capability to do so will. That would leave all the other areas in the county as a county responsibility. The county would lose the economy of scale and potentially need to subsidize the ambulance provider.

Possible Fiscal Effects: No fiscal impact if position accepted. A fragmented EMS system could increase local costs by an estimated \$500,000 to \$1,000,000.

Issue: Health Realignment Program not keeping up with the county population growth.

Position: Support or sponsor legislation that takes population growth into account for health realignment funding formulas.

Background: Realignment of health funding in 1991 aimed to provide a steady stream of growth by funding it through sales tax and vehicle license fees, two revenue sources that usually have annual growth. However, growth in health and mental health realignment is, in fact, not occurring to any significant degree, and is not keeping up with either inflation or population. Due to the realignment formulas, Riverside County is receiving almost the same amount of funding now as in 2003, despite significant increases in population, and in sales tax and VLF. The system is not working as intended.

Possible Fiscal Effects: Annual growth for funding is very small and Riverside County is estimated to be losing several million dollars as a result. This is a cost shift to counties from the state.

Promote Safe and Appropriate Long-Term Care Placements for the Elderly

Issue: Promote Safe and Appropriate Long-Term Care Placements for the Elderly.

Action: Support legislation to protect incapacitated elderly from predatory agency practices.

Background: Current law has proven inadequate to keep up with the explosive growth of agencies that refer elders, often in medical crises, to long-term care (LTC) facilities that may be inappropriate for their medical needs. Although some of the referral agencies are quite ethical and follow standard business practices, a number of agencies have developed that are website telemarketing firms that only seek to generate a referral fee, do not disclose receipt of these fees, and operate outside the oversight of responsible medical, adult protective services, or consumer agencies.

Among the problems reported are that these placement agencies do not review licensing reports, place residents in facilities that have a history of noncompliance with state and federal regulations, and do not provide the services needed by the residents (dementia care, for example). The state ombudsman reports that some referral agencies may be doing inappropriate placements purposefully, because they then get to "re-place" residents and collect two fees.

Issue: Legislation and funding for Animal Services programs.

Action: Support state and federal legislation and funding that benefits municipal Animal Services Departments to protect domestic animals, limit unwanted pets, effectively reunite lost pets with their owners, and promote responsible ownership.

Background: The current economic crisis increased Animal Services Departments' work load related to animal abuse, neglect, abandonment and the general increase in unwanted pets. As people lose their jobs and homes, they can no longer afford to care for their pets and/or no longer have a place to live that allows pets. Pet owners drop off animals they can no longer care for at shelters or abandon them. There is a profound increase in large animal abandonment, especially horses.

Although there are already more pets than there are homes for them, people continue to breed animals as a way to earn money. Pet owners continue to choose not to spay or neuter their animals due to economic factors, ignorance or limited availability to low cost services which exacerbates the problem.

Micro-chipping has proven to be an effective and efficient way to reunite lost pets with their owners. It reduces the time spent searching for owners and caring for animals in already crowded shelters.

Issue: Suspension/Revocation of the Hayden bill (SB 1785) provisions which relates to the retention requirements for stray animals.

Action: Support of efforts to retain the provisions of SB 1785 Hayden as they relate to retention schedules and animal care.

Background: The department finds a shortened retention period to be counterproductive and may wish to go on record to that effect. While not specifically involving proposed legislation, the Department's and the County's position may need to be made known to the Governor and Legislature.

The Hayden bill, SB 1785, has been in effect since January 1, 2000 and includes, in part, "unfunded mandates" which are subject to SB 90 claims by the county. However in 2010, then Governor Schwarzenegger suspended those provisions of Hayden which obligated the State to these SB 90 claims. The current governor apparently will seek to have these provisions permanently revoked. The actual issue involves the "holding" period for stray dogs and cats which would return to the pre-Hayden framework. This means for most jurisdictions a shortening of the hold from 5 days to 72 hours and hence a shorter time to allow the owner to redeem their pet, which potentially leads to an increase in euthanasia.

Many animal welfare groups and Animal Control agencies throughout the State see this as a step backward and oppose this action by the governor.

Office on Aging

Issue: Continued Funding of the Multipurpose Senior Services Program (MSSP).

Action: Support Continued Funding for the Multipurpose Senior Services Program (MSSP).

Background: The governor proposed elimination of the Multipurpose Senior Services Program (MSSP) in his FY 2011-12 Budget. The legislature restored funding for the program at 89% of the FY 2010-11 funding level. MSSP is a Medicaid (Medi-Cal) Home and Community Based 1915c Waiver program targeted to frail elders who meet Medi-Cal nursing home level of care criteria and are at risk for premature or inappropriate nursing home placement. The Budget Conference Committee showed bipartisan support for MSSP as a cost effective alternative to more expensive institutional care. The committee recognized that elimination of this program would be more costly to the state in that if only 18% of MSSP frail seniors were placed in a nursing home the potential savings from program elimination would be eliminated. Nursing facility admission rates above 18% would cost the state more money than the program.

With the FY 2011-12 reduction of 11%, the Riverside County Office on Aging MSSP serves a monthly active high acuity caseload of 248 functionally frail seniors suffering from multiple chronic diseases most often with complex overlying psychosocial issues and concerns. Elimination of this invaluable resource to the frail, at risk, seniors of Riverside County would significantly impact those most in need. Elimination of this crucial Office on Aging program would result in the potential layoff of up to 13 staff and the loss of \$1.2 million in state and federal funds.

California Fostering Connections to Success Act (Foster Care)

Issue: California Fostering Connections to Success Act (Foster Care).

Action: Support legislation to address California's implementation of the Fostering Connections to Success Act (AB 12/212 cleanup).

Background: AB 12, chaptered in 2010, gave California the authority to opt into provisions of the federal Fostering Connections Act of 2008 to both participate in federally funded kin guardianship, Kin-GAP and to provide funding for extended foster care. As states and counties have prepared to implement these provisions, some issues have emerged that require clean up legislation.

Among the issues that have been identified are:

- The Transitional Housing Program for Emancipated Foster/Probation Youth (THP-Plus FC) approval process.
- Re-entry youth and youth, while moving from ward of the court status to non-minor dependant status, also move from the supervision of probation to child welfare. Currently, probationary records are sealed. These records are required to provide eligibility to services. Limited access by the placing agency needs to be addressed for purposes of case management and rendering of services.
- California, in enacting the Fostering Connections to Success Act (AB 12), did not clearly identify its impacts on the Indian Child Welfare Act (ICWA). Cleanup is needed to apply the extended foster care provisions of AB 12 to Indian non-minor dependents while keeping conformity with ICWA laws.

Eliminate Civil Penalties Imposed on Foster Parents

Issue: Civil penalties ranging from \$50 to \$150 per day are imposed on licensed facilities, including foster parents, for serious violations. Foster parents were not intended to be included in this requirement as they are not a “business”.

Action: Support Legislation Eliminating the Civil Penalties Imposed on Foster Parents.

Background: Community Care Licensing (CCL) is required to levy penalties for serious licensing violations on residential facilities for the elderly, family day care homes, childcare centers, and residential facilities for children. Small family homes and certified homes of a Foster Family Agency are excluded while the comparable foster parent is not excluded.

Any child facing a safety threat in a foster home is removed and payments cease. In addition, counties actively work with foster parents to correct any deficiencies and if the deficiencies are not adequately addressed, they are not eligible for future placements.

It appears to be an oversight that foster parents weren't excluded from this list. However, if this change is not made, counties will be responsible for collecting any civil penalties imposed on foster parents by CCL. Currently, there is no mechanism for the county to collect these penalties and it would be an unnecessary administrative burden to establish the mechanism given that adequate measures are already taken to ensure child safety.

Child Abuse Central Index (CACI) Grievance Review Hearing

Issue: Child Abuse Central Index (CACI) Grievance Review Hearing.

Action: Amend the Welfare and Institutions Code to allow an aggrieved (accused) party, who has requested a CACI grievance review hearing, to inspect only those portions of the case file relied upon by the agency in referring the party to CACI. This will permit the release of documents from the case file without the need for a court petition.

Background: County Child Welfare Agencies are required by law to notify the Department of Justice (DOJ) when an individual is named in an investigation of suspected child abuse that the agency has determined to be substantiated.

The law requires the reporting agency to notify the aggrieved party when his or her name is reported to DOJ as well as their right to appeal the listing via an administrative grievance review hearing.

Individuals who believe they have been listed incorrectly on the CACI have the right to have the listing reviewed by the county agency.

Currently, no confidential information can be released to an aggrieved party or representative prior to the grievance review hearing unless the aggrieved party is a parent or guardian who would be authorized by statute to access confidential juvenile case information.

In order to gain access to all relevant information, an aggrieved party, other than a parent or guardian, must petition the Juvenile Court for release of that information. This process creates substantial pre-hearing delays affecting all parties.

Safe and Permanent Placement of Children in No Reunification Cases

Issue: Safe and Permanent Placement of Children in No Reunification Cases.

Action: Support legislation to change family reunification law to:

1. Require parents and/or guardians to use the clear and convincing evidence standard when petitioning the court for reconsideration of family reunification services.
2. Amend the Welfare and Institutions Code to allow the court to find that a parent who seriously physically or sexually abused a non-related child in their care can be denied FR services to their biological child who has been adjudicated as a dependent child of the court.

Background: At the initial hearing to determine potential eligibility to Family Reunification Services, the Welfare and Institutions codes provide 15 reasons for the court to find, using the clear and convincing evidence standard, that Family Reunification (FR) services should not be provided to the children's parents or guardians. If a court makes this finding of no FR services, it sets a Termination of Parental Rights (TPR) hearing with 120 days to determine an expedited permanency plan for that child.

- Within that 120 day period, a parent may file a petition alleging a change of circumstances or new evidence as to why they should, in fact, be provided reunification services.
- At this hearing, the burden of proof is on the petitioner who only has to meet the preponderance of the evidence standard.
- It is imperative for the protection of the child that the clear and convincing evidence standard be consistently applied for family reunification services in the 15 reasons specified above.

A loophole in the law does not allow the courts to determine no reunification services to persons who have severely abused children who are not their biological children. For example, if a foster parent, relative caregiver, child day care provider seriously abused, injured or harmed a child in their care, and a petition was filed on their biological children alleging risk of abuse, none of the 15 reasons would permit the court to deny reunification services to that parent based on the serious abuse they committed to a non-biological child. If the adult caregiver causes the death of another child, then and only then, can no FR services be ordered for that abusive caregiver.

Child Welfare Criminal Background Clearances

Issue: Child Welfare Criminal Background Clearances.

Action: Support legislation that will allow county social workers to conduct criminal record clearances through the California Law Enforcement Telecommunication System (CLETS) or any other state maintained database of criminal information.

Background: Currently, Child Welfare Services (CWS) requests a background check through the Department of Justice. An increase CLETS requests coupled with budget cuts and staffing reductions in the Department of Justice (DOJ) has hampered Child Welfare Services ability to accurately assess child safety in a timely manner. This has also resulted in more children being placed in foster care rather than with relatives. Allowing county social workers the legal ability to access CLETS and other DOJ criminal databases will provide for timely and safer placements.

Allow State General Child Care and Development Funds to be Used for the Match to Title IV-E for Child Care Purposes

Issue: Accessing un-encumbered California Department of Education (CDE) child care and development funding to provide childcare for child protective services and children at-risk of abuse, neglect or exploitation.

Action: Support legislation to change the Welfare and Institutions Code to allow State General Child Care and Development Funds to be used to match Title IV-E for child care purposes.

Background: The California Welfare and Institutions Code requires that any county who chooses to claim Title IV-E funding for child care must only use county funds for the required 50% non-federal match. Due to budget constraints, many counties are not able to allocate county funding for this purpose.

The California Department of Education (CDE) funding for child care and development is categorized into eight direct service programs. Of these, portions of three CDE funded child care program funds are currently utilized as the non-federal match for Child Development Block Grant and TANF funding. However, at least \$1 billion dollars of CDE state general funds for child care and development is un-encumbered and thus available to be utilized as the non-federal match for Title IV-E child care.

Using these un-encumbered state allocated funds, the state would be able to serve more than twice as many children who are at-risk of abuse, neglect, or exploitation into quality child care and development programs in California.

No additional state or county allocations would be needed as the non-federal match to Title IV-E.

Provide a Verifiable Safe Childcare Environment for all Children in CalWORKs Childcare

Issue: Provide a verifiable safe childcare environment for all children in CalWORKs childcare.

Action: Support legislation to include criminal background screening for all license exempt childcare providers.

Background: Current regulations require criminal background checks through CDSS (called Trustline) on all license exempt childcare providers other than those providers who claim to be relatives of the children. In general, relatives do provide a familiar, comforting, and safe childcare environment. Nonetheless, relatives should not be exempt from completing and passing a criminal background check to further ensure child safety.

The Development of Compost Facilities

Issue: Compost – The product resulting from the controlled biological decomposition of organic material (i.e. grasses, paper, food, etc.) which can enhance soils and decrease the amount of solid waste disposed in landfills.

Action: Support legislation that encourages the development of, and/or removes barriers to, compost facilities so jurisdictions have additional outlets (other than disposal) for organic materials and have an additional tool to increase their diversion rate.

Background: A 2010 California Department of Resources Recycling and Recovery (CalRecycle) assessment of the State's Compost and Mulch-Producing infrastructure estimated that 9.3 million tons of compostable materials were processed into an estimated 13 million cubic yards of products in 2008. Even so, it is believed that approximately 30% of all materials disposed of annually in California landfills can be processed into compost or mulch.

Composting as an industry, and a waste management process, is not using more of the compostable material available to it because of the difficulty establishing markets and the sometimes constraining impact of government regulations. In terms of marketing, the industry's rates have to be competitive with landfill rates in order to capture more feedstock. Products also have to meet the requirements of potential users and convince them that the application of compost will be of benefit to their soils (and crops) and they are an adequate replacement for chemical fertilizers. Regulations can impair the use of more compostable material at processing facilities. For instance, current regulations call for green material to have no more than 1.0% contaminants by weight. Material collected in curbside collection programs often times have a higher level of contaminants when delivered to facilities. Regulations can be changed to increase the level of contamination permissible in green waste received at processing sites and add a maximum contamination level for material leaving compost sites. The contaminant level for material leaving a facility would have to be consistent with standards for determining when it can be used or when it is to be disposed. Another regulation related issue is that rules of multiple agencies can be redundant and/or inconsistent and cause uncertainty on the part of prospective operators.

Composting is very important to local communities. It is beneficial to the environment because it replenishes soils with needed nutrients. And the amount of compostable material still available for processing underscores the importance of the industry in helping jurisdictions meet the required diversion level of 50%. Legislation that helps develop compost markets, eliminates barriers/obstacles to the industry, and enhances jurisdictions' ability to achieve/maintain a 50% diversion level must be supported by Riverside County.

Fiscal Impact: Costs will be borne by private parties. It is hoped that proactive Composting legislation will result in financially more stable and optimistic conditions for current and prospective operators.

Known Support and/or Opposition: It will depend on the particular issue of potential legislation, but it is believed that environmentalists, operators and local government officials can agree in general on legislation that is supportive to the development of compost facilities.

The Development of Conversion Technologies

Issue: Conversion Technologies – Those technologies that process through thermal (without combustion), chemical or biological means the organic portion of municipal solid waste, that remains after recycling, into useable products such as electricity and fuel and as a result decrease the amount of solid waste disposed in landfills.

Action: Support legislation that encourages the development of conversion technologies by removing legislative/regulatory barriers to them and by granting diversion credit on behalf of those jurisdictions that make use of them.

Background: The current statewide level of recycling and composting in the State of California is estimated to be 65% (for 2009, per California Department of Resources Recycling and Recovery). Still, seventy (70%) to eighty (80%) of all refuse land filled each year is characterized as biomass or organic. This material could be feedstock for a number of different technologies commonly known as conversion technologies: gasification, pyrolysis, anaerobic digestion, hydrolysis, distillation, plasma arc, and fermentation. Such facilities provide additional opportunities to keep recoverable materials out of the landfill.

There has been no conversion facilities developed in the United States. Part of the problem has been government regulations. In California, pyrolysis and distillation are considered forms of "Transformation" (which is considered a kind of disposal) and are limited in terms of how much of the processed material can count toward a jurisdiction's diversion total. Feedstock sent to a transformation facility can count for no more than 10% of a jurisdiction's 50% requirement. Conversion Technologies are expensive to develop and local governments will need a number of positive factors in their favor to justify their development. Generous credit toward a jurisdiction's State mandated diversion requirement is one important factor. Conversion technologies do not incinerate the feedstock so they should not be considered transformation facilities.

It is widely accepted by stakeholders that jurisdictions should send feedstock to a conversion facility only after the waste stream has been subjected to recycling and other diversion programs (i.e. curbside recycling, Material Recovery Facility (MRF) processing, and commercial recycling, etc.). Though conversion facilities produce worthwhile products, including some technologies producing energy, the existing infrastructure is seen as getting recyclable materials to higher and more beneficial uses. Conversion technologies can make good use of solid waste materials that are not appropriate for these other diversion programs.

Numerous conversion technology facilities are in operation in Europe and Japan. There should be more than enough cases to review in making sure the technologies can meet California's stringent environmental regulations.

Fiscal Impact: Conversion Technologies are expensive options for solid waste management. Analyses and review of proposed projects will have to weigh the lifecycle costs/benefits of each proposed facility and determine if it merits development.

Known support and/or opposition: California Assembly Bill 222 dealt with conversion technologies for much of the 2009-2010 legislative session (before it involved a different subject area) and was supported by such agencies as the California State Association of Counties, County Sanitation Districts of L.A. County and the League of California Cities. Opposition to AB 222 included organizations such as California League of Conservation Voters, Alameda County Waste Management Authority and Recycling Board, and Californians Against Waste. To date, there has not been a similar bill introduced in the 2011-2012 legislative session.

Support Extended Producer Responsibility (EPR)

Issue: Extended Producer Responsibility (EPR) – where producers of goods that contain materials requiring special handling (i.e. mercury, etc.) and that are harmful to the environment if mismanaged are accountable (along with others in the product chain) for the products across the entirety of their lifespan (from “the cradle to the grave”).

Action: Support legislation that places responsibility for product design, distribution for sale and collection for recycling or disposal on the producer of said product and thereby relieve local jurisdictions from having to bear the cost of product collection for recycling and disposal programs.

Background: The California law that banned the landfill disposal of items commonly referred to as Universal Wastes that are considered harmful to the environment went into effect on February 8, 2006 (CCR, Title 22, Division 4.5, Chapter 23). Universal Wastes include household batteries, fluorescent light bulbs and tubes, thermostats and other items that contain mercury, and electronic devices such as video cassette recorders, microwave ovens, cellular and cordless phones, printers, computers and radios. Since that time, Sharps have also been banned from landfill disposal.

Local governments have had to develop new programs as a result of these unfunded mandates to handle the disposition of such wastes. The County of Riverside Waste Management Department collects and processes these waste items through its hazardous waste collection and landfill load check programs. The two programs cover the entire County and are funded with a combination of landfill fees and grant monies. The use of public monies for the final disposition of these hard to handle products equates to subsidies in favor of the producers.

Extended Producer Responsibility makes the final handling of such products a cost of doing business for the producer, more accurately reflecting the true cost of the product. The costs will be worked into the purchase price and will only be borne by the users of these particular products rather than by all rate payers. Local governments (and the rate payer) will no longer have to fund costly programs for this purpose. It is hoped placing the life cycle burden on producers will result in better designs that will reduce the toxicity of products, lessen the amount of packaging which will result in a more efficient use of materials, and in better plans for a final disposition of the product (whether it be easier recycling or proper disposal of it).

The concept of extended producer responsibility has also been applied to products that don't necessarily fall into the categories above. For instance, the governor signed bills from the 2010 legislative session into law that involved Extended Producer Responsibility for paint and carpet. The carpet program will eventually save landfill space.

Fiscal Impact: Savings in the expenditure of landfill tipping fee monies that include covering staff/contractor labor costs and in the need for grant funds.

Known support and/or opposition: A bill setting up a process for designating products for an EPR lifecycle approach did not get out of the legislature in 2010 (AB 2139), but the California State Association of Counties and the League of California Cities supported it. The California Chamber of Commerce and industry groups opposed it. Local support for EPR is evident in CVAG and the cities of Indian Wells, La Quinta, Palm Desert and Palm Springs passing resolutions in favor of it. As mentioned above, EPR bills for paint and carpet were signed into law by the governor last year.



Urban Counties Caucus Priorities

Urban Counties Caucus Priorities

Constitutional Protections and Realignment:

Since the 2011 Public Safety Realignment package passed in June 2011 without the constitutional protections requested by counties, one of the fundamental goals of the UCC is to support efforts to achieve the constitutional protections that guarantee a dedicated ongoing revenue stream and include provisions protecting counties against future actions by the Legislature, the courts, regulations or executive orders that increase county costs for realignment.

In addition, there are major realignment implementation issues that need to be addressed and passed in the Legislature including the "super structure," how to allocate growth, and transferability. UCC will work closely with CSAC and other county affiliates to develop legislation to ensure that realignment can be implemented effectively past 2011-12. Specifically on the Public Safety Realignment, UCC will support efforts that facilitate the smooth transition of prisoners and parolees at the county level.

Any future proposals to realign programs to counties must have constitutionally guaranteed ongoing funding and protections. UCC will oppose any proposals that transfer additional program responsibility to counties without funding and protections.

State Budget Issues:

UCC will focus on the State Budget with emphasis on securing adequate funding for programs administered by counties. UCC will oppose reductions in state programs that increase the burden on county programs. UCC will oppose efforts to reduce funding without a commensurate reduction in county responsibility. UCC will further oppose any efforts to shift costs or federal penalties to counties.

The State Budget is in a serious deficit situation again, and it is worth noting that in previous budget cycles there were serious implications to counties including:

- Suspension of Proposition 1A.
- Deferrals of payments to counties.
- 2011 Public Safety Realignment.
- Cuts to transportation and Proposition 42.
- Borrowing, shifted funds, and elimination of redevelopment.
- Significant cuts to health and human services including IHSS, child welfare, Medi-Cal, and foster care.

On top of the recent budget cuts, UCC also notes that historically the state has raided county revenue, beginning with the shift of property taxes from counties to the state (ERAF, 1992) which contributes to the overall difficulty of financing services at the local

level. In addition, for 12 years the shortfall between actual county expenses and state reimbursement for state programs has grown to over \$1 billion annually, creating a de facto cost shift (i.e. the Human Services Funding Deficit). This funding gap forces counties to reduce services to vulnerable populations and/or divert scarce county resources from other critical local services. It also increases the risk of state and federal penalties.

With that in mind, UCC believes that the Budget must not be balanced with cuts alone. Further, closing the budget shortfall with additional borrowing simply delays resolution of the problem.

The continuing structural deficits requires reform of California's system of state-local finance so that both Boards of Supervisors and the Legislature have the tools necessary to provide the services and facilities necessary to meet the expectations and needs of our citizens.

Health Care:

UCC will work on the implementation of required Health Care Reform measures to maximize Federal revenue. UCC will support efforts to provide counties with the necessary tools to implement Health Care Reform. In addition, UCC will work to reduce counties uncompensated health care costs.

Public Retirement Systems:

UCC will support measures that meet the following goals for public retirement systems: Counties must be able to maintain retirement systems: 1) at a level of investment that is responsible and predictable; 2) that help to recruit and retain competent workers; 3) that restore the public trust in public retirement systems and the officials that run them; 4) that share financial responsibility between the counties and their employees; and, 5) provide counties with the flexibility to meet local needs. UCC also supports pension reform proposals that achieve the objective of financial sustainability for county budgets and the county's ability to maintain service levels.



Urban Counties Caucus Legislative Policies

Urban Counties Caucus Legislative Policies

Governance and Finance:

1. In order to fulfill the dual roles of agent of the state and local service provider, counties must have adequate authority, flexibility, and resources. Most importantly, counties must have stable sources of revenue that enable them to both implement state law and respond to essential local priorities.
2. UCC will oppose proposals that preempt county authority.
3. UCC will support proposals that provide constitutional protections and guaranteed funding to counties under realignment. UCC will oppose proposals to realign additional program responsibility to counties without adequate funding and protections.
4. UCC will support legislation that enhances or maintains a county's revenue base and oppose measures that limit a county's revenue raising authority or reduce a county's revenue from any source without a commensurate reduction in responsibility.
5. UCC will oppose formulas that discriminate against urban areas, such as by providing a high minimum funding floor to low population states and localities and not taking into account the higher cost of living, land costs, and risk factors in urban areas.
6. UCC will support the return to counties of property taxes that were transferred to schools and will also support measures that would enhance counties' efforts to administer the property tax system and oppose those that increase counties' unfunded responsibility for the system.
7. UCC will oppose proposals that continue or increase county responsibilities or expenses without a viable and adequate source of revenue.
8. UCC will oppose legislation that requires a new program, higher level of service, expanded employee benefits, or other cost imposed upon counties by the state without adequate ongoing funding. Further, UCC believes that counties should be reimbursed promptly and by a date certain for mandates imposed by the state. Finally, because suspended mandates create liability and fiscal issues for counties, mandates should be repealed, not suspended.
9. UCC will support proposals that increase a board's ability to raise local revenues.
10. UCC will support measures that maximize federal revenues.

11. UCC will support measures that reduce maintenance of effort or participation fee requirements and will oppose measures that impose additional maintenance of effort requirements on counties unless they are at least revenue neutral.
12. UCC will support measures that increase a county's flexibility to administer federal, state, or local programs. For example, UCC will support legislation that provides counties with the necessary authority to establish and manage local programs such as code enforcement of illegal dumping and littering laws.
13. UCC will oppose measures that limit a county's ability to operate in a reasonable and cost effective manner.
14. UCC will support proposals that eliminate unnecessary, redundant, or overlapping requirements for program eligibility, funding, maintenance of effort, monitoring, permitting or reporting.
15. UCC will support the equitable application of existing tax policies to ensure taxpayer compliance and dependable revenues.
16. UCC will support periodic evaluation of the economic benefit and equitable application of all tax expenditures.
17. UCC will support measures that enable counties to better exercise their responsibility to plan for, respond to, and receive reimbursement and property tax relief for emergencies and disasters.
18. UCC will support measures that meet the following goals for public retirement systems: Counties must be able to maintain retirement systems: 1) at a level of investment that is responsible and predictable; 2) that help to recruit and retain competent workers; 3) that restore the public trust in public retirement systems and the officials that run them; 4) that share financial responsibility between the counties and their employees; and, 5) provide counties with the flexibility to meet local needs.
19. UCC will support measures that provide for more disclosure and transparency in public compensation at both the local and state levels. UCC will also work to educate the public and the legislature on public compensation and the services provided by counties.
20. UCC will oppose measures that restrict county flexibility in the operation of employee relations.

Health and Human Services:

1. UCC will support legislation that enhances the local safety net and its multiple components including mental health, public health, and the numerous human services that counties provide on behalf of the state and will support proposals that promote dependable, long-term funding for these services.
2. UCC will support proposals that maximize eligibility for Federal and State-funded programs. UCC will oppose proposals that diminish funding to counties.
3. UCC will support proposals that reduce the number of uninsured persons, or expand Medi-Cal and Healthy Families coverage to low-income persons.
4. UCC will support proposals to simplify and align Medi-Cal and Healthy Families eligibility rules and application processes to increase and expedite the enrollment of uninsured families.
5. UCC will support proposals that increase net Medicaid/Medi-Cal payments to government providers while opposing proposals that reduce such payments.
6. UCC will support proposals that use Intergovernmental Transfers (IGTs), health provider fees, Certified Public Expenditures (CPEs), and other allowable methods to increase net Federal Medicaid and SCHIP matching payments to California and its health providers at no cost to the State General Fund.
7. UCC will support the use of State capital improvement funds, currently limited to hospitals, for the construction of clinics and other public health facilities and support assistance to hospitals that enables them to meet seismic safety requirements.
8. UCC will support measures and funding that strengthen the ability of the public health system to respond to chemical, biological, and other forms of terrorism.
9. UCC will support improvements in the child support collection process. UCC will support the provision of federal matching funds for child support performance incentive payments used for child support enforcement.
10. UCC supports a system of services for adolescents with drug or alcohol problems and provide adequate funding to operate such a system.
11. UCC supports continued and improved funding for substance abuse treatment and mental health services including those that provide alternatives to incarceration.
12. UCC will support a State backfill of any reduction in Federal financial participation in Federal programs, such as child support enforcement, Medicaid, and Temporary Assistance for Needy Families (TANF).

13. UCC will support proposals to hold counties harmless from fiscal penalties when the Federal or State Governments do not provide additional funding commensurate with the cost of meeting new requirements or performance measures.
14. UCC supports Federal funding for the 211 phone system and also supports the implementation of statewide coverage of the 211 system.

Housing, Land Use and Transportation:

1. UCC will support measures that provide funding for local infrastructure.
2. UCC will support proposals that eliminate or revise unnecessary, redundant, or overlapping requirements for land use, planning, and permitting.
3. UCC supports maintaining a county's flexibility to use eminent domain for public projects. UCC will support limiting the circumstances where redevelopment can be used and will oppose any expansion of the definition of blight.
4. UCC will monitor activities related to tribal gaming and other tribal enterprises in urban areas with the goal that any tribal compacts include provisions that address county concerns including off-reservation impacts and the ability of counties to meet their governmental responsibilities. Any proposal to place land in trust for a tribe should require the approval of the county within which the land is located.

Justice:

1. Counties administer the justice system including law enforcement, jails, district attorney, public defender, and probation, and the larger counties still make maintenance of effort payments towards support of court operations. UCC will support increases in funding for justice facilities and the operational costs of the justice system.
2. UCC opposes any shift of responsibility from the state to counties court facilities.
3. UCC supports the elimination or reduction of the Maintenance of Effort requirements for urban counties related to the courts.
4. UCC will support proposals that ensure county justice agencies that interact with the courts and have appropriate access to new or upgraded court computer systems at no additional cost to the county.
5. UCC will support proposals that maximize the pass-through of Federal homeland security assistance from the state to counties based on their potential terrorist threat and risk levels and responsibilities for emergency preparedness and response, law enforcement, first response, public health, and emergency medical services.

6. UCC will oppose any proposals that would shift the responsibility of parolees from the state to the counties without adequate notification, documentation and funding.
7. UCC will support stable funding for front-line law enforcement including juvenile justice crime prevention, juvenile camps and parole, adult probation, and adequate facilities to house prisoners.
8. UCC will support proposals that will help counties implement the 2011 Public Safety Realignment as long as the proposal would: provide for county flexibility, eliminate redundant or unnecessary reporting, and would not transfer more responsibility without funding.



CSAC Legislative Priorities

CSAC Legislative Priorities

California continues to be plagued by massive annual budget deficits, with a \$4.1 billion state budget deficit predicted through 2011-12 and \$5.1 for 12/13. Given the dramatic effects of previously approved state budget actions over the last four fiscal years and the likely dire consequences of additional reductions affecting all Californians, the California State Association of Counties (CSAC) will focus its 2011 legislative advocacy on advancing the concept of healthy, safe, and sustainable communities in all 58 counties.

County governments have an important role in communities: we specialize in helping those most in need, in protecting the public, and in creating living and working environments where individuals and industry can thrive. Counties serve every one of California's 38 million residents every day. In this role, counties are uniquely situated to play a critical part in discussions about the most effective and efficient administration and financing of critical public services.

While there are many pressing legislative priorities for counties, none is as critical as the how the Governor and Legislature address the state's persistent fiscal crisis. As a result, CSAC has identified the following principles that will guide our advocacy efforts during the 2011 legislative session. The principles outlined below reflect long-standing policies of the Association as outlined in the California County Platform, and both documents will inform the Association's positions on specific budget and fiscal proposals.

Encourage healthy, safe, and sustainable communities:

During this time of continued economic crisis, the health, safety, and quality of life for Californians are at risk. Residents across the state are relying on government health, human services, and public safety services at rates that far outpace resources. Counties are investing less in the critical infrastructure necessary to support sustainable communities and can no longer adequately support our valued farmland, natural habitat, and open space. CSAC supports streamlined, focused investment in the most critical programs and services that protect the physical and economic wellbeing of all Californians and that provide opportunities for development of sustainable communities and protection of the natural environment for California's future.

Seek budget solutions that address the structural deficit:

The state's chronic budget troubles require meaningful changes that transcend the short-term deficit. Cost shifts, borrowing, delays, deferrals, and other short-term "solutions" only serve to create additional budget stress in the out-years and exacerbate the state's chronic budget imbalance. All levels of government must focus on the long-term objective of cultivating reliable revenue sources that are adequate to fund

core priorities. CSAC supports reevaluating the state's revenue structure and reviewing program outcomes, as these are necessary steps in developing a sensible state budget solution.

Promote programs and services that stimulate the economy and protect jobs:

Counties partner with the state to provide services to Californians in interconnected systems – transportation, flood protection, water quality, health and human services, and corrections. These systems are important components of a healthy economy and help ensure the quality of life of all residents. CSAC supports evaluation of their needs and functions to ensure they provide cost-effective, adequate, and stable investments that meet current and future needs.

Engage in long-term reform conversations:

Considering our unique role in providing critical programs and services throughout California, counties seek a partnership with the state that allows us to provide services in an efficient, effective, and sustainable manner, which we believe will result in better outcomes and better lives for all Californians. Counties are committed to providing expertise and assistance in creating practical solutions that achieve meaningful reforms in the relationship between the state and local governments and make effective use of taxpayer dollars.